AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America v. Robert Bixby DOB: XXXXXX	)	Case: 1:24-mj-00253 Assigned to: Judge Faruqui, Zia M. Assign Date: 8/14/2024 Description: COMPLAINT W/ ARREST WARRANT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
18 U.S.C. § 1752(a)(2)	Knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions,,
40 U.S.C. § 5104(e)(2)(D)	Disorderly Conduct in a Capitol Building or Grounds,,
40 U.S.C. § 5104(e)(2)(G)	Parading, Demonstrating, or Picketing in a Capitol Building,.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 08/14/2024

Zia M. Faruqui Digitally signed by Zia M. Faruqui Date: 2024.08.14 18:06:49 -04'00'

Judge's signature

City and state: Washington, D.C.

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

Case: 1:24-mj-00253
Assigned to: Judge Faruqui, Zia M.
Assign Date: 8/14/2024
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STATEMENT OF FACTS

Your affiant, [redacted], is a Special Agent with the Federal Bureau of Investigation assigned to the Sacramento Division, Bakersfield Resident Agency. In my duties as a Special Agent, I primarily investigate federal violations of domestic terrorism, weapons of mass destruction, and violent crime laws. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Since January 6, 2021, the FBI has been identifying and investigating individuals who participated in the above-described events. One such individual has been identified as ROBERT BIXBY, a resident of California.

During an interview with investigators, BIXBY admitted being present inside of the US Capitol building and identified himself in a photograph, displayed below. In the photograph, BIXBY is wearing a dark colored top or jacket with long sleeves. He has a dark baseball hat, with writing on the front, including text with the word "TRUMP" in white capitol letters. BIXBY has greying hair, which shows beneath the baseball cap, and a full beard.

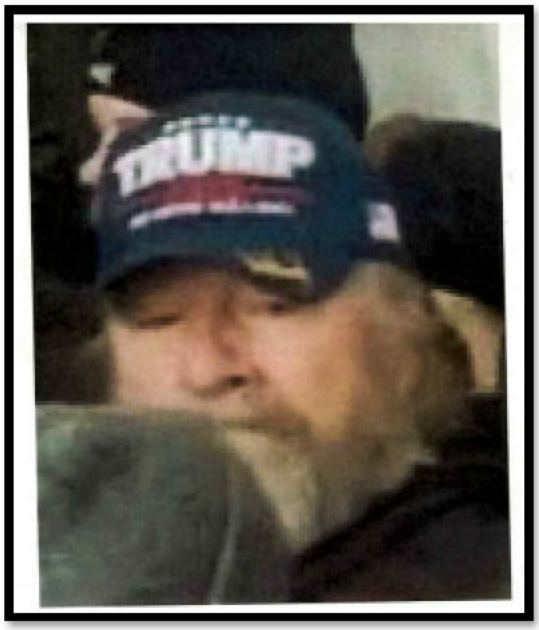

Fig. 1– A still photograph taken from open source video from January 6, 2021, of BIXBY. BIXBY identified himself in the photo.

BIXBY told investigators that on January 6, he went to see former President Trump's speech and afterward, went to the Capitol with a group of people. BIXBY stated he wanted to be heard because he beleived the election had been stolen. He stated that he approached the building and observed a group of people breaking one of the Capitol Building's windows.

Based on investigators' face-to-face interactions with BIXBY, they were able to confirm that the person in Figure 1 above, as well as the videos and photos described below are BIXBY.

Investigators have reviewed video from multiple sources, including surveillance from the US Capitol, body worn camera from law enforcement, and open source videos, to identify BIXBY's actions at the US Capitol that day. Video shows the following.

At approximately 2:30 p.m., surveillance video shows BIXBY entered the Captiol amongst a crowd of rioters through the Rotunda Doors on the east side of the building. As he entered, there was at least one law enforcement officer attempting to stem the tide of people entering. BIXBY, amongst the crowd of people, surpassed the officer and entered the Capitol Building with several others.

Fig. 2 – A still photo from surveillance of BIXBY (yellow circle) entering amongst a group of people pushing past a police officer (red circle) who is trying to block the door.

Shortly after BIXBY entered the building, US Capitol Police were able to briefly secure the Rotunda Doors. BIXBY stood by as at least one police officer attempted to hold the door closed, while a mob of rioters outside of the door were still attempting to enter. As the officer held the door closed, a man next to BIXBY yelled at and harassed the officer. Additionally, open source video which contains audio (unlike the CCTV which does not include audio) shows that a loud siren was continuously sounding as BIXBY and the other rioters stood near the Rotunda Doors.

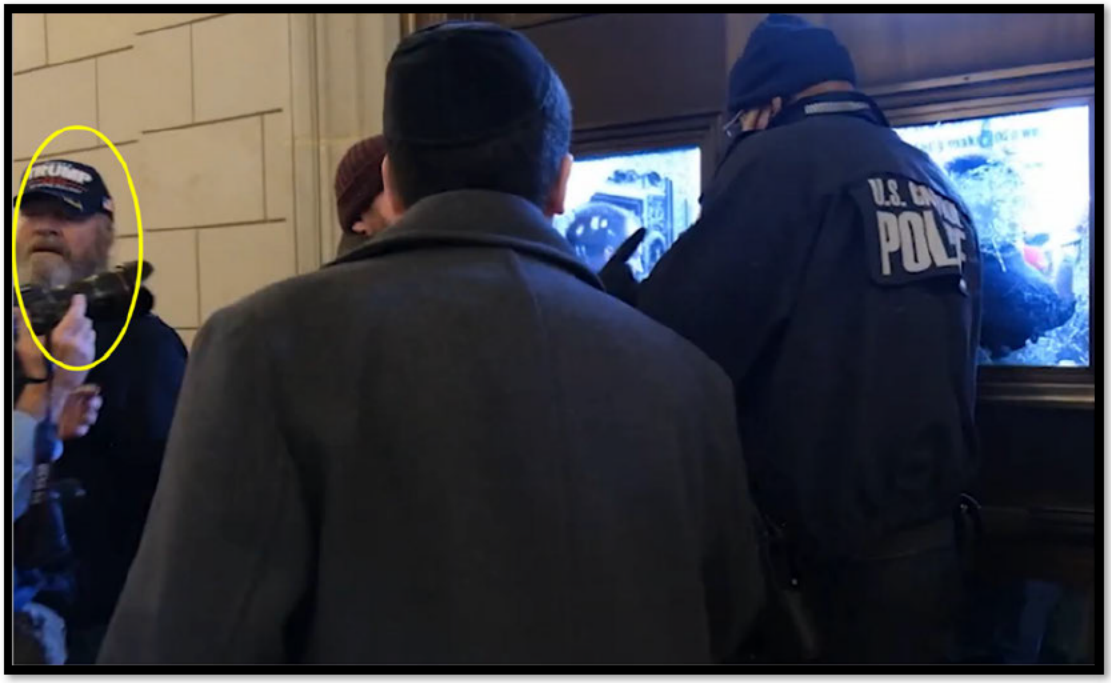

Fig. 3 – A still photo from open source footage of BIXBY (circled) standing next to the Rotunda Doors as a police officer attempts to hold them shut and another rioter yells.

Surveillance video shows that BIXBY next walked into the Rotunda. He stood in the Rotunda, looking at the ceiling, and appeared to take photos for approximately a minute.

Fig. 4 – A still photo from surveillance footage of BIXBY (circled) in the Rotunda. Based on his gestures, it appears as if BIXBY took photos.

BIXBY then crossed the Rotunda and walked toward Statuary Hall. As he crossed from the Rotunda into Statuary Hall, BIXBY passed a rioter carrying a large podium with the seal of the United States House of Representatives affixed to the front.

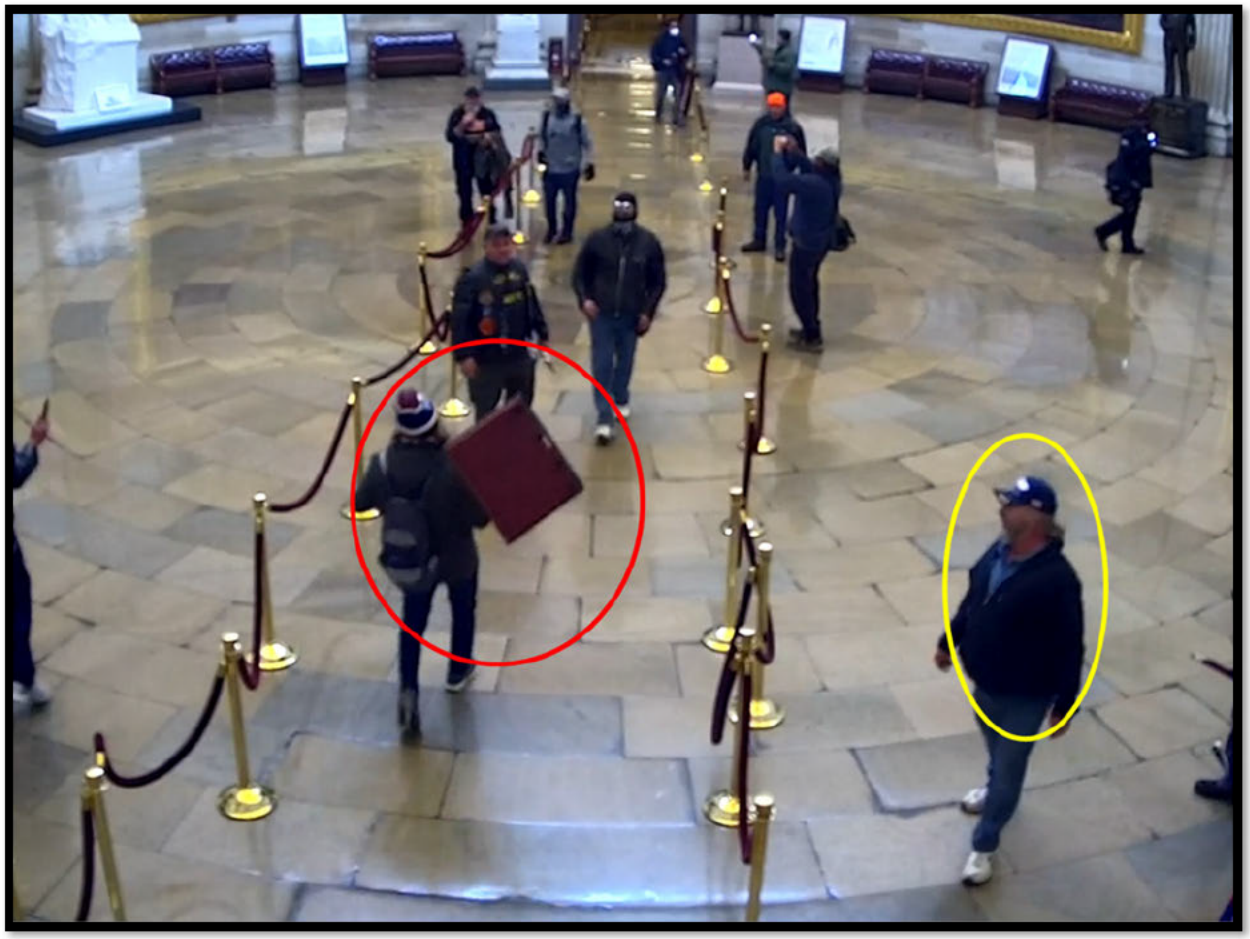

Fig. 5 – A still photo from surveillance of BIXBY (yellow circle) in the Rotunda next to another rioter (red circle) carrying a stolen podium.

From the Rotunda, BIXBY proceeded through Statuary Hall toward the House Chamber. As he approached the House Chamber Corridor, BIXBY joined a large mob of rioters who were stopped in the hallway. Several law enforcement officers were preventing the mob from proceeding. Video and photos show the crowd was waving flags, filiming, and yelling. Members of the mob were wearing protective gear like helmets, goggles, and masks. After several minutes of confrontation with law enforcement, the mob, BIXBY among them, pushed past the line of officers and proceeded into the House Chamber Corridor.

Fig. 6 – A still photo from surveillance video of BIXBY (circled) amongst a mob of rioters shortly before pushing past a line of police officers near the House Chamber.

Video shows that BIXBY eventually turned around and walked back toward Statuary Hall. As BIXBY walked away, a white mist, consistent with chemical spray, was emitted into the air. Also consistent with chemical spray, BIXBY pulled the collar of his shirt up over his nose and mouth as he walked.

Fig. 7 – A still photo from surveillance video of white mist, in the foreground. BIXBY (circled) pulled his collar over his nose and mouth as he walked back toward Statuary Hall.

BIXBY walked through Statuary Hall and re-entered the Rotunda, where a much larger crowd of rioters was now gathered. BIXBY lingered in the Rotunda and appeared to take additional photographs before he proceeded back to the Rotunda Doors and exited the building toward the East Central Steps at approximately 2:51 p.m.

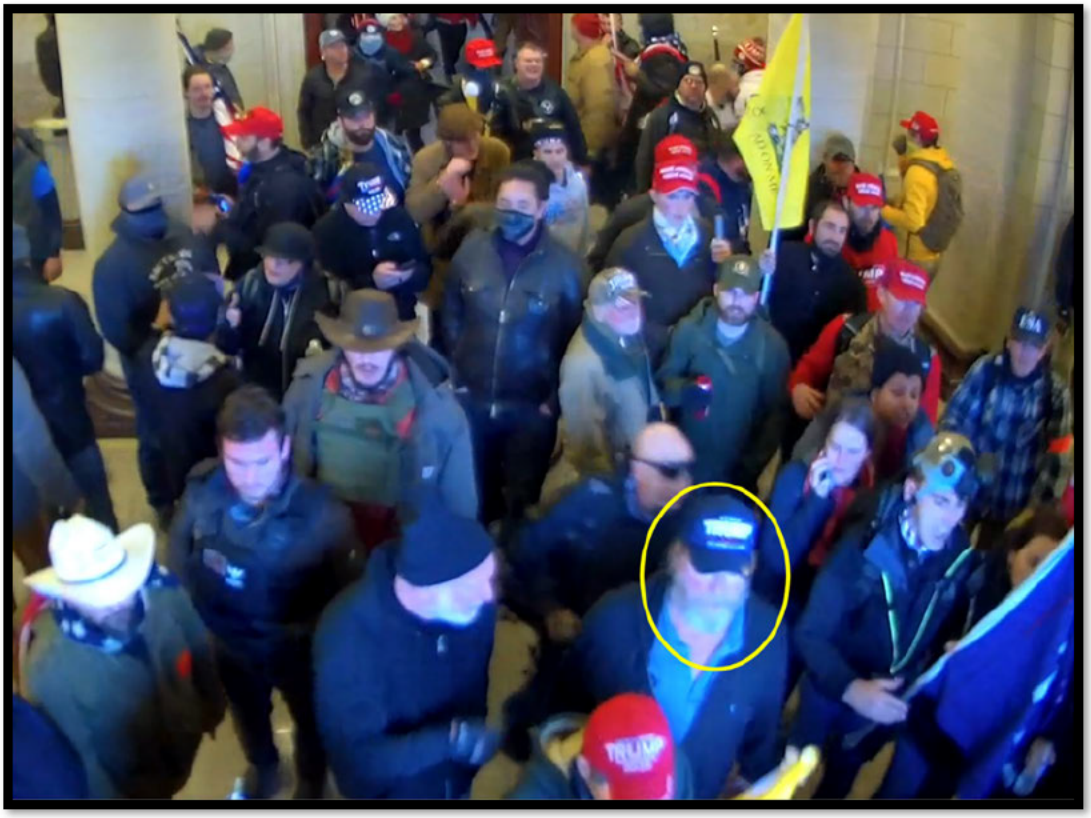

Fig. 8 – A still photo from surveillance of BIXBY (circled) exiting the Capitol through the Rotunda Doors.

According to records obtained through a search warrant which was served on cellular provider AT&T on January 6, 2021, in and around the time of the incident, a cellphone associated with a phone number ending in -9776 was identified as having utilized a cell site consistent with providing service to a geographic area that includes the interior of the United States Capitol building. Records obtained from AT&T further showed that the phone number was registered to a person identified as "ROBERY BIXBY" at a residential address that was previously associated with BIXBY. The AT&T records appear to have BIXBY'S first name mis-spelled. Additionally, call records obtained from AT&T for the phone number ending in -9776 show a call from -9776 to another telephone number ending in -2335 which began at 19:49:40 Universal Coordinated Time (UTC) and ended at 19:50:34 UTC. Surveillance video from the Capitol shows BIXBY speaking on the telephone during that entire time period and ending a telephone call at 19:50:34 UTC.

Based on the foregoing, your affiant submits that there is probable cause to believe that ROBERT BIXBY violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted,

cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that ROBERT BIXBY violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]

FEDERAL BUREAU OF
INVESTIGATION

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of August 2024.

Zia M. Faruqui

Digitally signed by Zia M. Faruqui
Date: 2024.08.14 18:06:23 -04'00'

Zia M. Faruqui
U.S. MAGISTRATE JUDGE